



## City of Seattle

Gregory J. Nickels, Mayor

### Department of Design, Construction and Land Use

Diane M. Sugimura, Director

## CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

**Application Number:** 3003928

**Applicant Name:** Dave Heater of Ankrom Mosian Associated Architects for  
City Investors III LLC

**Address of Proposal:** 120 Westlake Avenue North

### **SUMMARY OF PROPOSED ACTION**

Land Use Application to establish use for future construction of an eleven-story mixed-use building. The proposal anticipates approximately 307,830 square feet of above-grade development, including approximately 208 dwelling units and 20,685 sq. ft. of ground-level retail space. The project includes parking for 281 vehicles, including 262 below-grade parking spaces. Open space, landscaping, street trees, and other amenities will be provided as part of the development. The project would require demolition of three existing structures on the site, as well as excavation of approximately 50,000 cubic yards of earth.

The following approvals are required:

#### **Design Review** pursuant to Seattle Municipal Code (SMC) 23.41

Departures from the Land Use Code as follows:

1. SMC 23.48.014.B (Minimum Facade Height)
2. SMC 23.48.014.C (Facade setback limitation)
3. SMC 23.48.014.D (Street-level Setback)
4. SMC 23.48.018.B.3.a (Blank Façade Width)
5. SMC 23.48.020.A (Residential Amenity Area)
6. SMC 23.54.030.G.2 (Sight Triangle)

#### **SEPA – Environmental Determination** pursuant to SMC 25.05

**SEPA Determination:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

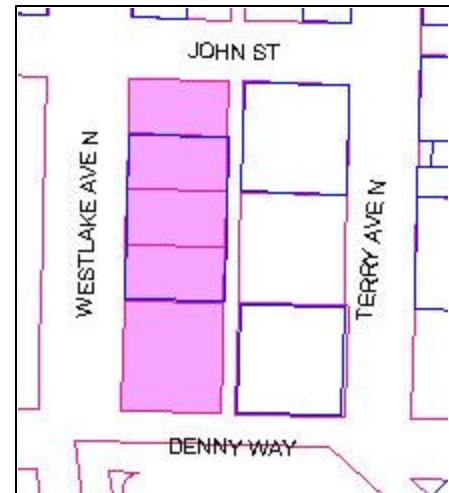
☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

## **BACKGROUND DATA**

### **Site and Vicinity Description**

The site consists of five parcels comprising the western half of the block bounded by John Street to the north, Westlake Avenue N to the west, Denny Way to the south, and Terry Avenue N to the east. A 16-foot mid-block alley runs north-south from John Street to Denny Way, dividing the block longitudinally, and is the eastern boundary of the project site. The property is approximately 38,967 sq. ft. and gently slopes towards the northwest, varying from 72 feet at the southeast corner to 60 feet at the northwest corner. The alley slopes approximately 7 feet from John Street south towards the middle of the block. There are very limited areas of over 40 percent slope present in the southeast and north portions of the site.



The current development on the property consists of three light industrial buildings and a surface parking lot with spaces for roughly 55 vehicles. Two of the buildings are vacant and the third is currently used as a commercial sewing machine sales and service office.

The project site is zoned Seattle Mixed with a 125 foot height limit (SM-125). Property to the east and immediate west is also zoned SM-125. Property further west and to the north, and northwest is also zoned Seattle Mixed, but with an 85 foot height limit (SM-85). Property to the south is zoned Downtown Mixed Commercial with a 240 foot non-residential height limit and a 290 to 400 foot residential height limit (DMC-240/290-400). Property to the northeast is zoned Industrial Commercial with an 85-foot height limit (IC-85).

The current uses of properties located adjacent to the site include: one-story retail and light industrial uses (to the north across John Street); a mixed-use development featuring 550,000 square feet of development, including two residential towers, a hotel tower, and grocery store – known as the 2200 Westlake Avenue project currently under construction (to the south across Denny Way); one and two-story retail and light industrial uses (to the east); and, a one-story marketing and sales office – the South Lake Union Discovery Center (to the west across Westlake Avenue N).

### **Proposal Description**

The project is for an eleven-story building with three levels of below-grade parking. The proposal anticipates construction of approximately 307,830 square feet of above grade space for residential, retail, and parking uses. Residential use will consist of approximately 208 market rate units. Retail area of approximately 20,685 sq. ft. will be located at street level. Open space, landscaping, and other amenities will be provided for building residents, including 12,000 sq. ft. of Residential Amenity Area and approximately 19,798 sq. ft. of private outdoor residential balconies and decks. The existing 16-foot wide mid-block alley directly east of the project site will be widened to 18 feet. Ingress and egress to the parking area will be via the mid-block alley.

Along Westlake Avenue N, Denny Way, and John Street, six existing street trees will be preserved if practical, and nine new street trees will be planted. Project design and landscaping will also include under plantings, seating areas, and building awnings. Construction of the project will require removal of the existing surface parking and demolition of the three existing structures.

#### Public Review and Comment Periods

Two Design Review meetings were held on this proposal and included opportunities for the public to comment; an Early Design Guidance meeting was held on March 1, 2006 and the Recommendation meeting was held on May 17, 2006. The public's comments are incorporated into the design guidance priorities noted below and touched on the shared use of the abutting alley. Refer to the Master Use Permit (MUP) file for details on these meetings.

Public notice of the Master Use Permit (MUP) project application was given on April 27, 2006. The public comment period ended on May 10, 2006. DPD received no written comments on this proposal

### **ANALYSIS – DESIGN REVIEW**

#### ARCHITECTURE PRESENTATION—*Early Design Guidance Meeting – March 1, 2006*

At the Early Design Guidance meeting, the owner's representative Charlie Laboda observed that this was the fifth residential project brought before the Design Review Board's in 4 months, and the third to be reviewed by the Queen Anne/Magnolia board. In response to concern expressed by the Board about the publication of a rendering of the project before the Board had a chance to review the design, he described the process of developing market-rate housing, and how early announcements and renderings are useful in gauging market interest, allowing the developer to adjust to market preferences. It did not, however, imply that the design was too developed for Design Review Board review. He then introduced the development team, and described how Vulcan came to hire them for the project.

Following this introduction, Tom Moisan, Ankrom Moisan Associated Architects (AMAA), gave a brief history of the firm and announced the establishment of a new Seattle office in early April. The presentation was then turned over to Scott Thayer (AMAA) who presented the project context, site design analysis and development objectives. Massing diagrams, sections and plans described a "preferred scheme" which includes a series of street-level commercial spaces and 208 dwellings on ten additional floors, with below-grade parking accommodating 281 cars. Conceptual renderings were shown, describing a variety of pedestrian streetscapes as well as examples of architectural elements providing inspiration for the design. Relevant examples of completed AMAA projects were also shown.

#### ARCHITECT'S PRESENTATION—*Recommendation Meeting – May 17, 2006*

At the Recommendation meeting, the owner's representative Charlie Laboda introduced the development team. Following this introduction, Dave Heater (AMAA) presented the project context and recommendation materials, which summarized the design response to the Board's

comments from the EDG. Site plans, street sections, a physical site model, and three-dimensional computer renderings of the project at the urban scale served as analytical tools for exploring the gateway design at the intersection of Denny Way and Westlake Avenue. A new rendering of the project was shown and compared with the rendering discussed at the EDG. Sections of the sidewalk along Westlake were described by loose hand sketches, notated building sections, and three-dimensional computer renderings showing the variety of pedestrian experiences along the 360' building length. Different deck types were shown through three-dimensional computer renderings and notated wall sections. Landscape concepts were also shown at the site and terrace levels, including planting types.

Clarifying Questions from the Board:

How does the brick relate to the context? There are several new buildings in the area that are primarily brick (2200, Sellen Building), and most of the older buildings are also brick.

Does the Type II hood extend to the roof? Yes.

When will the garage door at the alley be open? It will be open throughout the day, closed during off hours. Queuing will happen inside the garage. Another set of security gates separates the public from secured resident parking.

How is building trash collection organized? Collection company will come inside the building to pull out the dumpsters. They will not be left in the alley to be collected.

Brick frame facing Westlake turns the corner at Denny, thereby becoming more of a volume. What is the intention of that edge [along Denny]? The frame along the Denny side of the tower is intended to provide another layer of perceived distance from Denny, which is a very busy street. The decks along that face also serve as shading devices, which will be welcomed, as that part of the building faces south.

At the 4<sup>th</sup> Floor rooftop garden, how is the exiting handled? There is an exit directly to grade at the SE corner of the terrace, and another exit through the Amenity space to an exit stair.

Presentation shows a very thin roof plane, but it will probably be much thicker – how will the thin appearance be achieved? Roof edge is a fin, with a cast curb that aligns with the exterior wall below. The insulation, ballast, etc. occurs behind the curb.

What is the panel material? Richlite, a layered paper board impregnated with resin. The board was familiar with the product, noting that it was extremely durable, as it is also used for skateboard ramps. It is prone to scratching, and although scratches can be buffed out, the appearance is usually not uniform after such treatment. Panel size will be as big as possible (4'x10').

Where is the signage for the businesses intended to go? Building tenants will have blade signs attached to the steel storefront canopy supports. No signs will be allowed on the brick frames.

The Board recently reviewed a project on Denny, Block 63, that had an SDOT easement in it. Is there a similar easement required for this project? No.

What is the depth of the unit balconies? Approximately 5' deep.

Did the architects deliberately locate the south retail entry directly in front of a large existing-to-remain street tree? Seems like it would be awkward. No, it was not deliberate. [Upon further examination of the plan, the south retail entry is located immediately to the south of the street tree location.]

What is the status of the triangle restaurant that's part of the 2201 project? It's going through a separate MUP process from the condominium/office building.

**PUBLIC COMMENT—Recommendation Meeting – May 17, 2006**

Two members of the public commented at the Recommendation meeting.

A student asked if there would be security cameras on the property, especially in the garage.  
There will be security cameras.

A person who works in the area commented that skateboarders love to skate down the Denny incline, which makes things very challenging for pedestrians. Since the project plans a continuous landscape buffer between the sidewalk and Denny Way, she requested the team consider the use of sidewalk stairs, or some other way to slow the speed of the skateboarders.

She also added that the sidewalk seating planned for the restaurant on at the corner of John and Westlake is nice, but she has experience with those tables and fences “creeping” into, and sometimes blocking, the sidewalk. She asked that this be considered when determining the final sidewalk width at the restaurant, as well as landscape planter width.

Finally, she suggested that limiting business signage to blade signs was naïve, as her experience suggests that businesses will always want bigger signs.

**DESIGN GUIDANCE PRIORITIES:**

The applicant described the design guideline priorities which had informed their response to site and context in the proposed development. After deliberation, The Design Review Board emphasized the following design guidelines as priorities to be considered in further evolution of the proposed design. Each design guideline priority is identified by letter and number in accordance with City of Seattle’s Design Review: Guidelines for Multifamily & Commercial Buildings (November 1998). This is augmented by neighborhood-specific guidelines published in South Lake Union: Design Guidelines (May 26, 2005).

Comments from the Board’s Early Design Guidance (**EDG**) and Recommendation meeting deliberations (**RECOM**) follow each Guideline.

**A-1 Responding to Site Characteristics**

*The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.*

*SLU-specific supplemental guidance*

- *Encourage provision of “outlooks and overlooks” for the public to view the lake and cityscapes. Examples include provision of public plazas and/or other public open spaces and changing the form or facade setbacks of the building to enhance opportunities for views.*

**Gateways**

*Reinforce community gateways through the use of architectural elements, streetscape features, landscaping and/or signage. Gateways can be defined through landscaping, artwork, and references to the history of the location that create a sense of place. Gateways are transition locations, places that mark entry or departure points to a neighborhood for automobiles and pedestrians. They are sites that create opportunities for identification, a physical marker for the community to notice they are entering a special place. Methods to establish gateways should consider the site’s characteristics such as topography, views or surrounding building patterns. Elements could include building out to meet the corner where appropriate, or tools such as:*

- *setbacks to allow for pedestrian friendly spaces;*
- *signage;*
- *landscaping;*
- *artwork;*
- *facade treatments.*

*The following locations, at this time, are places that have been identified as gateways for South Lake Union due to the level of traffic flow, general visibility and/or development potential. The following locations, pending changes in traffic patterns, may evolve with transportation improvements:*

- *Westlake & Denny*

**Heart locations**

*Several areas have been identified as “heart locations.” Heart locations serve as the perceived center of commercial and social activity within the neighborhood. These locations provide anchors for the community as they have identity and give form to the neighborhood. Development at heart locations should enhance their central character through appropriate site planning and architecture. These sites have a high priority for improvements to the public realm. A new building’s primary entry and facade should respond to the heart location. Special street treatments are likely to occur and buildings will need to respond to these centers of commercial and social activity. Amenities to consider are: pedestrian lighting, public art, special paving, landscaping, additional public open space provided by curb bulbs and entry plazas. The following locations have been identified as heart locations within South Lake Union:*

- *Westlake Avenue North*

**EDG:** Both the applicant and The Board identified the design of the 360’ long Westlake frontage as a design priority. The applicant demonstrated in 3 steps the evolution of the building massing to address this site condition and the current scheme is modulated as follows:

- A continuous retail base follows the Denny, Westlake and John sidewalks. The main body of residential units sits on this base with a penthouse level setback at the top. The penthouse level is capped by a large roof overhang.

- The large retail space at the corner of Denny and Westlake is double height (24') and set back 5' from the property boundary.
- The main residential tower is set back 45' from Denny Way to create a resident terrace oriented to the south.
- A 36' deep by 20' wide niche forms the residential entry on Westlake and divides the building mass. The recess is continuously glazed from street to roof and further engages the mechanical penthouse to create a vertical counterpoint to the horizontal orientation of the allowable building envelope. This glazed strip also aligns with elevator lobbies on all floors, connecting the building's residents to views of the Space Needle and the surrounding city.
- Secondary massing elements include floating brick "frames" that further break down the building mass into discrete parts.

The applicant offered the double-height retail space at Denny and Westlake as a "lantern" marking the gateway to the South Lake Union neighborhood. Double height glazing will be maintained about the entire periphery of this space, with any future mezzanines to be held back from the glass. As Denny is dominated by fast moving traffic, the applicant chose to locate the development's primary resident outdoor space above the level of the street as a raised landscaped terrace. The resulting building setback and terrace aligns with a similar massing configuration at 2200 Westlake (across Denny Way). The applicant suggests that, as a pair, these elements read as a gateway.

As offered by the applicant, a series of retail and residential connections address Westlake Avenue as a heart location. All parties agreed that the intersection at John and Westlake is the true "people corner". A café or restaurant function is envisaged for the corresponding retail space. Furthermore, planned landscape improvements include widening of the Westlake Ave. sidewalk to a maximum of 28' at John Street in alignment with future street car development. Outdoor pub or café seating is envisaged for this location.

The majority of the Board was supportive of the notion of breaking down the "superblock" massing into a composition of smaller parts but cautioned that this must be done right.

The Board was split on the gateway strategy as proposed by the applicant, but understood that this was to function as ... "an urban node, not a wall with a pass-through". While pulling back the residential block from the noise of Denny Way was appropriate, some board members felt that this created a weak urban gesture. The design team was directed to consider stronger elements marking the gateway at Denny and Westlake: Something "special". Super-graphics were rejected as a solution. The Board strongly requests further study of this intersection at urban design scale.

**EDG:** At the next Design Review, the architect should be prepared to present details on the following:

- Understand all four corners of intersection at Denny and Westlake. Expand scope of existing graphics to include each adjacent property. Provide street sections, etc.
- Provide (pedestrian) eye-level study of the podium at Denny.
- Prove the gateway concept to the satisfaction of the Board.

**RECOM:** Board agreed that current design functions as a gateway, by way of being an urban node.

## **A-2 Streetscape Compatibility**

*The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.*

### SLU-specific supplemental guidance

*The vision for street level uses in South Lake Union is a completed network of sidewalks that successfully accommodate pedestrians. Streetscape compatibility is a high priority of the neighborhood with redevelopment. Sidewalk-related spaces should appear safe, welcoming and open to the general public.*

- *Provide pedestrian-friendly streetscape amenities, such as:*
  - *tree grates;*
  - *benches;*
  - *lighting.*
- *Encourage provision of spaces for street level uses that vary in size, width, and depth. Encourage the use of awnings and weather protection along street fronts to enhance the pedestrian environment.*
- *Where appropriate, consider a reduction in the required amount of commercial and retail space at the ground level, such as in transition zones between commercial and residential areas. Place retail in areas that are conducive to the use and will be successful.*
- *Where appropriate, configure retail space so that it can spill-out onto the sidewalk (retaining six feet for pedestrian movement, where the sidewalk is sufficiently wide).*

## **A-4 Human Activity**

*New development should be sited and designed to encourage human activity on the street.*

### SLU-specific supplemental guidance

- *Create graceful transitions at the streetscape level between the public and private uses.*
- *Keep neighborhood connections open, and discourage closed campuses.*
- *Design facades to encourage activity to spill out from business onto the sidewalk, and vice-versa.*
- *Reinforce pedestrian connections both within the neighborhood and to other adjacent neighborhoods. Transportation infrastructure should be designed with adjacent sidewalks, as development occurs to enhance pedestrian connectivity.*
- *Reinforce retail concentrations with compatible spaces that encourage pedestrian activity.*
- *Create businesses and community activity clusters through co-location of retail and pedestrian uses as well as other high pedestrian traffic opportunities.*
- *Design for a network of safe and well-lit connections to encourage human activity and link existing high activity areas.*

**EDG:** (A-2, A-4) See discussion of Westlake Ave above. Because of the volume of traffic on Denny, some board members expressed relief that the retail space at the corner of Denny was not intended to be a café. The Board confirmed that a large anchor retail space at Denny with a series of smaller retail spaces further north along Westlake was an appropriate solution.

At the next Design Review, the architect should be prepared to present details on the following:

- Streetscape details



**RECOM:** Suggested the applicant should consider the café and sidewalk walking patterns, and possibly set the window wall back from the face of brick. Also determine whether sidewalk seating would be against the building or against the curb.

#### ***B-1 Height, Bulk and Scale Compatibility***

*Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to nearby, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.*

##### *SLU-specific supplemental guidance*

- *Address both the pedestrian and auto experience through building placement, scale and details with specific attention to regional transportation corridors such as Mercer, Aurora, Fairview and Westlake. These locations, pending changes in traffic patterns, may evolve with transportation improvements.*
- *Encourage stepping back an elevation at upper levels for development taller than 55 feet to take advantage of views and increase sunlight at street level. Where stepping back upper floors is not practical or appropriate other design considerations may be considered, such as modulations or separations between structures.*
- *Relate proportions of buildings to the width and scale of the street.*
- *Articulate the building facades vertically or horizontally in intervals that relate to the existing structures or existing pattern of development in the vicinity.*
- *Consider using architectural features to reduce building scale such as:*
  - *landscaping;*
  - *trellis;*
  - *complementary materials;*
  - *detailing;*
  - *accent*

**EDG:** Please see discussion of building modulation and gateway (A-1) above.

At the next Design Review, the architect should be prepared to present details on the following:

- Integration of balcony elements. Avoid “tacked on” balconies.
- Prove the gateway concept to the satisfaction of the Board.

**RECOM:** Board members cautioned against allowing residents storing things on their balconies, as the railings are all glass, and it would detract from the building’s overall appearance. Board members debated whether the glass balconies looked “lacy” or motel-like. It was agreed that spacing of the railing supports should be compatible with the window mullion spacing behind the railing.

See discussion under A-1 for discussion regarding gateway concept.

#### ***C-1 Architectural Context***

*New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.*

## ***C-2 Architectural Concept and Consistency***

*Building design elements, details and massing should create a well proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roof line or top of the structure should be clearly distinguished from its facade walls.*

### *SLU-specific supplemental guidance*

*Design the “fifth elevation” — the roofscape — in addition to the streetscape. As this area topographically is a valley, the roofs may be viewed from locations outside the neighborhood such as the freeway and Space Needle. Therefore, views from outside the area as well as from within the neighborhood should be considered, and roof-top elements should be organized to minimize view impacts from the freeway and elevated areas.*

**EDG:** Please see discussion of building modulation (A-1) above. After some debate, The Board concluded that a degree of “horizontality” was inevitable in the design, given the existing zoning. Some members advised that this was not necessarily something to be ashamed of. The applicant was referred to the “warehouse” aesthetic prevalent in the South Lake Union area and urged to study the Sellen Construction offices on Westlake as a particularly successful example.

At the next Design Review, the architect should be prepared to present details on the following:

- Integration of balcony elements. Avoid “tacked on” balconies
- Architectural elements, finishes and colors.

**RECOM:** See discussion under B-1 for discussion regarding balcony railings.

The color of dark brick was debated, but there was a perceived difference between the actual brick sample and the computer renderings, and it was agreed that the brick would have an inherent color variation that would make it more acceptable. [Architect would like to note that both brick types will be a smooth finish, therefore they will reflect more light than typical bricks would, and therefore appear lighter in color. Brick samples brought to Design Review were a wire-cut finish.]

## ***D-1 Pedestrian Open Spaces and Entrances***

*Convenient and attractive access to the building’s entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.*

### *SLU-specific supplemental guidance*

- *New developments are encouraged to work with the Design Review Board and interested citizens to provide features that enhance the public realm, i.e. the transition zone between private property and the public right of way. The Board is generally willing to consider a departure in open space requirements if the project proponent provides an acceptable plan for features such as: - curb bulbs adjacent to active retail spaces where they are not interfering with primary corridors that are designated for high levels of traffic flow; - pedestrian-oriented street lighting; - street furniture.*

**EDG:** At the next Design Review, the architect should be prepared to present details on the following:

- Residential entry court
- Streetscape details

**RECOM:** Residential entry court was not commented on by the Board. See discussion under A-2 and A-2 for information regarding streetscape details.

DEVELOPMENT STANDARD DEPARTURE Matrix			
DEVELOPMENT STANDARD	REQUEST/ PROPOSAL	JUSTIFICATION	Board's Recommendation
<b>SMC 23.48.014.B Minimum Facade Height:</b> On Class 1 Pedestrian Streets (Westlake Ave) all facades shall be 45' high minimum.	The applicant is requesting that the south end of the Westlake facade (40' of 361' façade length) be allowed a 35' min. height requirement.	This building height at the south end mirrors the stepped-down building massing of the 2200 and 2201 Westlake projects on the SE & SW corners of the Westlake/Denny intersection, creating an intensified "gateway" character at this key intersection (a goal emphasized in the SLU Design Guidelines). Special "gateway" character is further enhanced by creation of a landscaped, habitable amenity area on this roof terrace. Also, this height conforms with Denny Way façade height requirements (25' min. for Class 2 Ped. Streets, & Upper Level Setback required above 75').	Approval of the design based on <i>Guidelines— A-1, A-2, A-4, B-1, C-1, C-2, and D-1.</i>
<b>SMC 23.48.014.B Minimum Facade Height:</b> On Class 1 Pedestrian Streets (Westlake Ave) all facades shall be 45' high minimum.	The applicant is requesting that the south end of the Westlake facade (40' of 361' façade length) be allowed a 35' min. height requirement.	Proposed facade setbacks of 20' (x 32' long) at main residential entry court and 6' (x 81' long) at primary corner retail frontage enhance the public pedestrian environment by creating more protected sidewalk width and area. These setback zones provide additional area for the active retail / restaurant uses and a semi -public court space at the main entry. This also provides a more interesting and varied pedestrian experience along this very long façade (361').  At the retail façade setback, the street wall plane is well established by the building mass cantilevering to the property line above the retail window wall.	Approval of the design based on <i>Guidelines— A-1, A-2, A-4, B-1, C-1, C-2, and D-1.</i>
<b>SMC 23.48.014.C Facade setback limitation:</b> On Class 1 Pedestrian Streets (Westlake Ave), a minimum of 70% of the facade length shall be built to the street property line.	The applicant is requesting that the south end of the Westlake facade (40' of 361' façade length) be allowed a 35' min. height requirement.	This building height at the south end mirrors the stepped-down building massing of the 2200 and 2201 Westlake projects on the SE & SW corners of the Westlake/Denny intersection, creating an intensified "gateway" character at this key intersection (a goal emphasized in the SLU Design Guidelines). Special	Approval of the design based on <i>Guidelines— A-1, A-2, A-4, B-1, C-1, C-2, and D-1.</i>

		“gateway” character is further enhanced by creation of a landscaped, habitable amenity area on this roof terrace. Also, this height conforms with Denny Way façade height requirements (25’ min. for Class 2 Ped. Streets, & Upper Level Setback required above 75’).	
<b>SMC 23.48.014.D Street-level Setback:</b> On other than Class 1 Pedestrian Streets, the street-level facade may be set back up to 12’ if the setback area is landscaped.	The applicant is requesting a setback areas along Denny Way (setback of 6’ to 6’-6”) and John Street (setback of 1’-6”) be allowed to be paved extension of the public sidewalk rather than landscaped.	See also justification for façade setback limitation, above.  Pedestrian paving rather than landscaping at these limited setback areas seems appropriate in this very urban context, and provides additional pedestrian area at these active retail / restaurant locations. At the Denny façade, this also helps create the desired gateway character for the Westlake / Denny intersection by relating to similar expanded pedestrian areas planned for the other corners of the intersection.	Approval of the design based on <i>Guidelines— A-1, A-2, A-4, B-1, C-1, C-2, and D-1.</i>
<b>SMC 23.48.020.A Quantity of Residential Amenity Area:</b> Residential Amenity Area of at least 5% of gross residential area shall be provided in new buildings with more than 20 dwelling units.	The applicant is requesting that the Residential Amenity Area be allowed to be 5% of <u>net</u> residential area rather than gross residential area.	The proposed amount of Amenity Area is 11,975 sf, which exceeds 5% of <u>net</u> residential area (11,015 sf). 5% of gross residential area would require 13,745 sf.  The proposed design provides Amenity Area of significantly higher quality than is required or typical in similar developments.  Roughly 17,000 sf of private outdoor residential balconies and decks are proposed in addition to the amenity areas, which provides significant relief from the need for common amenity area.  The proposed design also provides 1,375 sf additional site area to the public sidewalk space at ground level.	Approval of the design based on <i>Guidelines— A-1, A-2, A-4, B-1, C-1, C-2, and D-1.</i>
<b>SMC 23.54.030.G.2 Sight Triangle:</b> For two way driveways at least 22’ wide, a 10’ x 10’ sight triangle shall be provided on the side of the driveway used as an exit.	Where the driveway exiting the parking garage meets the alley, we request allowance for an 18”x24” column to occur within the sight triangle (at the intersection of driveway and alley edges), and to allow highly transparent security fencing (such as chain link) to be installed along the driveway leg and alley leg of the sight triangle.	Traffic coming up the alley from the south is expected to be very rare due to the parking entry location and topography of the alley at the south end. The transparent security fencing would allow equivalent visibility of any traffic approaching from the south. Mirrors could also be installed to further improve visibility of such traffic, if necessary.	Approval of the design based on <i>Guidelines— A-1, A-2, A-4, B-1, C-1, C-2, and D-1.</i>

Two Board members initially offered that there were a lot of departure requests, and not a lot of justification for them. However, two other Board members pointed out that these departure requests were to make a better design, not to increase development potential, and there were a number of public benefits in the design, including extra right-of-way development, a building that was less bulky than allowed outright by zoning, and high-quality materials throughout (including the alley).

In regards to Amenity Area, the Board observed that the applicant is not building out to the full development potential of the property, and is within 1,000sf of the required area. The Board also observed that the design also provides generous private balconies to residents, as well as increased ROW development that is not included in the Amenity Area calculation.

### Board Recommendations

After considering the proposed design and the projects context, hearing public comment, and reconsidering the previously stated design priorities, the Design Review Board members agreed that the design has successfully addressed the design guidance provided in their previous meeting. The Design Review Board **recommends approval** of the design as shown in the updated Master Use Permit Plans. (*Based on Guidelines— A-1, A-2, A-4, B-1, C-2, and D-1.*) The identification of these particular guidelines does not imply that other, nonprioritized guidelines may not be called upon in the ultimate decision-making regarding this proposal.

In addition to the guidance noted above, the Board recommended that:

- John Street and northeast alley louvers should be properly baffled, and made visually interesting (added grillwork, not just a mechanical louver).
- DPD should consider placing a condition on the proposal that prohibits the temporary storage of dumpster's in the alley by the Owner.

### Analysis & Decision—Design Review

The Director of DPD has reviewed the recommendation of the four Design Review Board members present at the Design Review meeting and find that their recommendation does not conflict with applicable regulatory requirements and law, is within the authority of the Board, and is consistent with the design review guidelines.

## **DECISION – DESIGN REVIEW**

After considering the proposed design and design solutions presented in relation to previously stated design guidelines, three of the four Design Review Board members present, unanimously recommended approval of the subject design.

The Director of DPD has reviewed the recommendations of the four Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the *City of Seattle Design Review: Guidelines for Multifamily & Commercial Buildings* (November 1998) and the *South Lake Union Design Guidelines* (May 26, 2005).

Therefore, the proposed design and departures are **APPROVED** as presented at the May 17, 2006 Design Review Board meeting.

## **CONDITIONS**

Design Review conditions are listed at the end of this report.

## **ANALYSIS – SEPA**

This analysis relies on the *Environmental Checklist for the proposed Rollin Street Mixed-Use Development* submitted by the applicant on March 20, 2006, which discloses the potential impacts from this project. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: “*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*” subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

### **Short-Term Impacts**

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from demolition and building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, noise, excavation, and construction traffic warrant further discussion.

### Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos or other hazardous substances during demolition. The applicant will take the following precautions to reduce or control emissions or other air impacts during construction:

- ? *During demolition, excavation and construction, debris and exposed areas will be sprinkled as necessary to control dust; and truck loads and routes will be monitored to minimize dust-related impacts.*
- ? *Using well-maintained equipment and avoiding prolonged periods of vehicle idling will reduce emissions from construction equipment and construction-related trucks.*
- ? *Using electrically operated small tools in place of gas powered small tools wherever feasible.*
- ? *Trucking building materials to and from the project site will be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.*

The applicant has performed an environmental site assessment and identified hazardous materials requiring abatement. The applicant is required to obtain permits from PSCAA to ensure proper handling and disposal of these materials. The permit standards and regulations administered by PSCAA will sufficiently mitigate any adverse impacts to air quality; therefore no further mitigation is recommended pursuant to SEPA 25.05.675A.

### Noise

The project is expected to generate loud noise during demolition, grading and construction. Compliance with the Noise Ordinance (SMC 25.08) is required and will limit the use of loud equipment registering 60 dBA (not including construction equipment exceptions in SMC 25.08.425) or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD. Construction noise is within the parameters of SMC 25.05.675.L, which states that the Noise Ordinance provides sufficient mitigation for most noise impacts.

### Excavation

Excavation of 50,000 cubic yards of material on site will create potential earth-related impacts. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction. Cleanup actions and disposal of contaminated soils and the underground storage tank on site identified in the environmental checklist will be performed in compliance with the Model Toxics Control Act (MTCA; WAC 173-340) and other applicable state and local regulations. Compliance with the Uniform Building Code (or International Building Code) and the Stormwater Grading and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

Groundwater, if encountered, will be removed from the excavation by sump pumping or by dewatering system and routed to existing storm drain systems. A drainage control plan, including a temporary, erosion and sedimentation control plan and a detention with controlled release system will be required with the building permit application. In addition, a Shoring and Excavation Permit will be required by SDOT prior to issuance of a building permit. Compliance with the requirements described above will provide sufficient mitigation for the anticipated earth-related impacts.

### Traffic and Circulation

Site preparation would involve removal of the existing buildings and asphalt pavement and excavation for the foundation of the proposed building and below grade parking garage. Approximately 50,000 cubic yards of material would be excavated and removed from the site. Existing City code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates major truck streets which must be used for hauling and otherwise regulates truck traffic in the city. The proposal site has relatively direct access to both Highway 99 and Interstate 5 and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with SDOT to ensure minimal disruptions.

Compliance with Seattle's Street Use Ordinance administered by Seattle Department of Transportation (SDOT) includes a construction impact management plan and is expected to mitigate any adverse impacts to traffic which would be generated during construction of this proposal. Therefore, no further conditioning is necessary.



## Long-Term Impacts – Use-Related Impacts

### Historic

There are no known or listed historical resources or any officially-designated historical resources on the project site. Three buildings are currently located on the site. None of these buildings are designated as Seattle landmarks nor are they listed on the Washington State Heritage Register or the National Register of Historic Places. The following designated City of Seattle landmark buildings/objects are located near (within ½ mile of) the project site:

- Ford Assembly Plant – 1155 Valley Street (5 blocks north and 3 blocks east of the site)
- Immanuel Lutheran Church – 1215 Thomas Street (1 block north and 4 blocks east of the site)
- New Richmond Laundry – 224 Pontius Avenue N. (5 blocks east of the site)
- Old Norway Hall – 2015 Boren Avenue (1 block south and 3 blocks east of the site)
- Seattle Times Building – 1120 John Street (2 blocks east of the site)
- St. Spiridon Russian Orthodox Church – 400 Yale Avenue N. (2 blocks north and 6 blocks east of the site)
- Troy Laundry Building – 311 Fairview Avenue N. (1 block north and 3 blocks east of the site)
- Van Vorst Building – 413 Boren Avenue N. (2 blocks north and 2 blocks east of the site)
- Vest Earth Co. Street Clock – 406 Dexter Avenue N. (2 blocks north and 3 blocks east of the site).

The Space Needle, located approximately ½ mile west of the site, is also designated a landmark by the City. The William Volker Building (Lenora Square) located east of the site is not designated as a landmark by the City, but is listed on the National Register of Historic Places.

The Proposed Action is not expected to have an impact on any of these designated historic structures.

### Land Use

The proposed project is consistent with the *City of Seattle Comprehensive Plan*, the *South Lake Union Neighborhood Plan*, and the Land Use Code.

A limited number of current workers (10 employees) at the commercial sewing machine sales and service office would be displaced by the proposed project. This displacement is offset by approximately 52 new employment opportunities that will be provided by the new retail area proposed for development.

### Archaeological

There is no surficial evidence to indicate that any archaeologically significant resources exist on-site and would be disturbed by the project. However, the Seattle Commons EIS stated that archaeological "resources would likely be located in a historical fill zone ranging from approximately one to four blocks wide along the alignment of Westlake Avenue; a wider fill zone is near the lakeshore of Lake Union."

If resources of potential archaeological significance are encountered during excavation or construction associated with the Proposed Action, the following measures would apply:

- ? Work that is occurring in the portion of the site where potential archaeological resources are found would be stopped immediately;
- ? The City of Seattle land use planner that is assigned to the project and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP) would immediately be contacted; and
- ? Regulations would be adhered to pertaining to discovery and excavation of archaeological resources, including but not limited to, Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25-48 WAC, as applicable or as revised.

Otherwise, the project will not have any significant adverse impacts on archaeological resources.

### Shadows

For limited periods of the day, some adjacent properties and roadways may not receive as much direct sunlight as they currently experience, due to shadows cast by the 11-story building. These adjacent properties include: the one-story retail and warehouse uses and associated parking to the north, across John Street; the one and two-story retail and warehouse uses and associated parking to the east; and, the one-story sales office to the west, across Westlake Avenue N., as well as Denny Park further to the west.

As indicated in the shadow study details in the environmental checklist, shadows from the proposed building would extend to portions of Denny Park, primarily during the early morning hours at various times of the year, particularly during the winter. However, these shadow impacts would not be expected to be significant, given: the limited times of the day that such shadows would occur at the park (primarily the early morning hours); the fact that public use of the park is minimal in the morning hours; and, the presence of substantial, mature vegetation in the park which already provides shade at various times of the day and year. The anticipated shadow impacts from the proposed project would be typical of other mid-rise development in the area and, therefore, not a significant impact.

### Viewsheds

The closest public viewpoints to the site are Four Columns Park and Volunteer Park. SMC 25.05.675.P (Attachment 1). Four Columns Park is located approximately 1/2 mile southeast of the site. Views of significant natural and human-made features from Four Columns Park include the downtown skyline, and distant views of the Olympic Mountains and Lake Union. Volunteer Park is located approximately 1 1/4 miles to the northeast of the site. This park provides westerly views of Puget Sound, Lake Union, the Olympic Mountains, and the downtown skyline, as well as easterly views of the Cascade Mountains. The proposed project would not impact views of the significant natural and human-made features listed above from either of these specified viewpoints. The proposal would appear as a continuation of the intensification of development in the South Lake Union area from these viewpoints. In addition, the proposal would not impact views from any other non-designated public viewpoints in the site area, including South Lake Union Park and the Cascade Playground.

The following streets in the site vicinity have been designated as scenic routes: Westlake Avenue N., Fairview Avenue N. and I-5; several blocks north of Mercer Street, portions of Dexter Avenue N. and Aurora Avenue N. are also designated as scenic routes. In the site vicinity, I-5 and Aurora Avenue N. are elevated roadways from which territorial views of Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, Puget Sound, and Lake Union are possible. Views from Dexter Avenue N., Fairview Avenue N. and Westlake Avenue N. are primarily of Lake Union (Westlake Avenue N. adjoins the site to the west). The predominant views from Mercer Street are of Puget Sound and the Olympic Mountains.

Under the proposed project, the existing 16-foot-wide sidewalk on the west side of the site would be rebuilt at its current width, thereby preserving the views toward Lake Union along Westlake Avenue N. Views toward Lake Union would be enhanced with the proposed sidewalk improvements and landscaping along Westlake Avenue N. The proposal would not impact views of significant natural and human-made features from the other scenic routes listed above.

The City's Viewsheds policies also protect public views of historic landmarks designated by the Landmarks Preservation Board. The proposed project would not impact public views of any landmark, including the nine in close proximity discussed in the *Historic* section, above.

Public views of the Space Needle from public places are also protected by city policy. SMC 25.05.665(P)(2)(c). The closest of these public places to the site are Seattle Center (½ mile to the west), Gasworks Park (¾ miles to the north), and Volunteer Park (1 ¼ mile to the northeast). Views of the Space Needle from these locations would not be impacted by the proposed project.

Therefore, the project has no significant impact on Viewsheds.

### Traffic and Transportation

The Environmental Checklist includes a Transportation Impact Analysis prepared by Heffron Transportation. Checklist pp. 34-36 and Appendix A. This report evaluates existing traffic conditions in the study area, estimates the total amount of new traffic to be generated by this project, and evaluates the impact of these new trips on the level-of-service of intersections in the study area. The Heffron Analysis includes projected impacts from twenty-one "pipeline" projects identified by DPD as development that will generate additional traffic volume in the vicinity of the project.

In project year 2009, the project will generate approximately 770 new daily vehicle trips to the surrounding street system, including 70 during the PM peak hour. The project will increase traffic delay at most nearby intersections by 1.2 seconds or less during both the AM and PM peak hour and cause no change in Level of Service (LOS). Of the seven studied intersections, one movement at one intersection, the westbound approach to Westlake Avenue/John Street during the PM peak hour, would be degraded from LOS E to LOS F, if the project is built. However, this movement will have been degraded from LOS C to E by 2009 regardless of whether the project has been constructed, based on the conversion of Westlake Avenue from one-way to two-way as part of construction of the South Lake Union streetcar. In addition, the change of Westlake Avenue from one-way to two-way may decrease the need for John Street traffic to cross Westlake as cars intending to travel south will be able to turn left on Westlake rather than continuing through to Ninth Avenue North.

### Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act (GMA). The system, described in DPD's Director's Rule 4-99 and the City's Land Use Code is designed to provide a mechanism that determines whether adequate transportation facilities would be available "concurrent" with proposed development projects. The screen-line evaluated in the Heffron analysis would continue to operate below the concurrency threshold with construction of the project.

### Transportation Mitigation

In July 2004, the Seattle Department of Transportation completed the South Lake Union Transportation Study with the help of consultants Parsons Brinckerhoff and EnviroIssues. The study recommended a package of transportation improvements for the South Lake Union area which has broad support from a diverse group of neighborhood, business and community representatives. The improvements include a two-way Mercer Street, a narrower Valley Street, a streetcar, and a number of transit, pedestrian and bicycle measures. These improvements are intended to reconnect the South Lake Union area to the city, untangle streets that create barriers in the middle of the city, improve mobility, promote alternatives to single-occupant-vehicles, and continue a smooth flow of freight and people through the area.

As an alternative to mitigation measures that focus solely on minor improvements to nearby streets and intersections, DPD has determined that a more effective mitigation approach is for the applicant to contribute to the costs of the more comprehensive transportation improvements recommended in the South Lake Union Transportation Study. DPD has reviewed the projected transportation impacts of the project, as detailed in the March 2006 Heffron Analysis and supplemental analysis of July 2007, and concluded that the transportation improvements in the South Lake Union Transportation Study would adequately mitigate those impacts<sup>1</sup>.

DPD has considered the share of the transportation improvement costs that should be borne by this project. A portion of the improvement costs is attributable to existing deficiencies and must be funded with resources other than private developer mitigation payments. This project should bear its fair share of the remaining costs, based on the expected trip generation. Based on DPD's analysis of costs and allocation to this project, a payment of \$49,670 is appropriate.

### Parking

The proposed development will provide approximately 281 parking spaces, including 262 below-ground stalls. The 19 at/above-grade parking spaces will be used as accessory parking for the commercial uses in the building. The project will eliminate a surface parking lot of approximately 55 spaces, resulting in a net on-site parking increase of 226 spaces. Based on the Seattle Parking Code and Land Use Code, the proposed development is required to provide 146 parking spaces for the development: one space for each multi-family dwelling unit in the Seattle Mixed zone less a thirty percent reduction for shared parking. SMC 23.54.015 Chart A; SMC 23.54.020.G.2.c. The retail uses are exempt from parking requirements under Seattle Mixed zone exemptions for street-level uses on Class 1 and 2 pedestrian streets. SMC 23.48.032.D.

---

<sup>1</sup> p. 29, "Rollin Street Project at 120 Westlake Avenue N (DPD#3003928)", Heffron Transportation, March 20, 2006. See alley signage improvement as recommended and added as a condition by DPD.

The 262 spaces for 208 residential units reflect a parking ratio of 1.26 spaces per unit. Based on other downtown residential projects, this ratio is adequate to accommodate the project's residential parking demand. Any excess demand generated by the retail uses can be accommodated in nearby on-street parking spaces.

### **DECISION – STATE ENVIRONMENTAL POLICY ACT (SEPA)**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).

The proposed action is **APPROVED WITH CONDITIONS.**

### **CONDITIONS – SEPA**

#### **Prior to Building Permit Issuance**

1. The applicant shall submit for review and approval a Construction Impact Management Plan approved by the Seattle Department of Transportation in consultation with the Department of Planning and Development. The plan shall identify management of construction activities including hours of construction traffic, parking, truck routing and traffic, and issues concerning street and sidewalk closures.
2. Submit a copy of the PSCAA notice of construction.
3. Applicant shall pay a transportation mitigation fee of \$49,670 to SDOT, to be apportioned among South Lake Union transportation projects as identified in the Heffron Rollin Street project revised spreadsheet of July 17, 2006.

#### **During Construction (including Excavation and Demolition)**

4. Debris and exposed areas shall be sprinkled as necessary to control dust; and truck loads and routes shall be monitored to minimize dust-related impacts.
5. Use well-maintained equipment to reduce emissions from construction equipment and construction-related trucks and avoid prolonged periods of vehicle idling.
6. Use electrically operated small tools in place of gas powered small tools wherever feasible.

7. If resources of potential archaeological significance are encountered during excavation or construction associated with the Proposed Action, the following measures will apply:
  - ? Work that is occurring in the portion of the site where potential archaeological resources are found must be stopped immediately;
  - ? The City of Seattle land use planner that is assigned to the project and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP) must immediately be contacted; and regulations must be adhered to pertaining to discovery and excavation of archaeological resources, including but not limited to, Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25-48 WAC, as applicable or as revised.

For Life of the Permit

8. Install a "Right-Turn Only" sign for southbound traffic in the alley approaching Denny Way. This approach operates as a right-turn-only movement; however, a sign would provide clarification for new drivers to the area.

**NON-APPEALABLE CONDITIONS – DESIGN REVIEW**

Prior to Building Permit Final

9. Construct buildings with siting, materials, and architectural details substantially the same as those presented at the May 17, 2006 Design Review Board meeting.
10. John Street and northeast alley louvers shall be properly baffled, and made visually interesting (added grillwork, not just a mechanical louver).

For Life of the Permit

11. Dumpster storage shall be prohibited in the alley by the proposal.
12. Provide alley signage as follows: *"This alley is to remain clear of parked vehicles and dumpsters. Please report any violations to the Management Office."* Management's phone number shall be incorporated into the signage.

Signature: (signature on file) Date: July 20, 2006  
Colin Vasquez, Senior Land Use Planner